

REMARKS

Applicant hereby responds to the Office Action of January 3, 2007, in the above-referenced patent application. Applicant wishes to thank the Examiner for carefully considering this application, and for the courtesy extended during the telephone interview of March 30, 2007, in which differences between the claimed invention in claim 1 and USPN 6,522,342 (“Gagnon”) were discussed. No agreement was reached.

Disposition of the Claims

Claims 1-24 are currently pending. Claims 1, 13, 16, and 19 are independent. The remaining claims depend, directly or indirectly, from claims 1, 13, 16, and 19.

Claim Amendments

Claims 7 and 8 have been amended to clarify that the display of the video signal is on a digital television. No new matter has been added by way of these amendments as support for these amendments may be found, for example, in the independent claims in their un-amended form as well as in numerous places in the specification of the present application as filed. The “digital video service network” and the “digital television signal” as recited in independent claim 1 in its un-amended form are well known in the art to be digital television based.

Claims 1-3, 8, 11, 13, 16, 19, and 24 have been additionally amended to correct minor informalities. No new matter has been added by way of these amendments.

Rejections under 35 U.S.C. § 102

Claims 1-24 were rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,522,342 (“Gagnon”). The rejections are respectfully traversed because for at least the following reasons, Gagnon does not disclose all of the claimed limitations.

During the aforementioned telephone interview, the Examiner asserted that people watch TV on their computers all the time, thus the *PC*-based system and method of Gagnon anticipate the system and method of the claimed invention, which deals with digital *television* signals. This statement, together with the Office Action discussed below, ignores the fact that what is claimed is not the outcome, *e.g.*, “watching TV.” Rather, what is claimed includes a receiver for a digital video service network and a method for transmitting and displaying video signals comprising television signals. Even if the visual effects are similar (which Applicant traverses), Applicant respectfully submits that by definition the PC data are *not* digital television signals. Further, as the Examiner has not presented any evidence or reasoning why PC data would inherently anticipate a digital television signal, the burden of proof remains with the Examiner.

As per **Claim 1**, it is respectfully submitted that Gagnon fails to disclose at least means for receiving and means for decoding *a digital television signal* as required by Claim 1.

In rejecting Claim 1, the Examiner has equated the *PC-based communication system* of Gagnon to a digital video service network that processes digital *television* signal, as claimed.

This is respectfully traversed. Further, the Examiner has equated the data stream of Gagnon, which is formatted as Internet packets specifically for a *PC*-based system, to the digital *television* signal of the claimed invention. Applicant respectfully disagrees.

First, it is respectfully submitted that it appears that the Office Action confuses the wireless *data-stream* system of Gagnon with the digital video service network of the claimed invention. The system of Gagnon is *PC*-based, as clearly shown in Fig. 1 and described in, *e.g.*, col. 8, lines 36-38. As recognizable to those of ordinary skill in the art, the *PC*-based system of Gagnon transmits *data* only in a format suitable for the *PC* as disclosed in Gagnon, and the *data* are not the same, nor are they equivalent to, digital *television signals*. Further, as clearly shown in Fig. 22 of Gagnon, in order for a TV 134 to play the *PC* data in the system of Gagnon, a VGA driver 436 is required. As well known to those of ordinary skill in the art, VGA is an (obsolete) *analog computer* display standard. Thus, contrary to the Examiner's assertions, the system of Gagnon does *not* transmit *digital television* signals as claimed.

Gagnon is, in fact, directed to a graphical tuning bar for a multi-program *data* stream (*see, e.g.*, the title of Gagnon; *see*, also, section E, "Data Packets," and Fig. 24 of Gagnon, where it is clearly described that the "data stream" is formatted for a *PC*). Thus, the system disclosed by Gagnon resembles a wireless internet device which may transmit data that can be processed from internet-packet form suitable for a *PC* to video data to be played on a *PC*. Gagnon discloses nothing more than a wireless internet device in Fig. 1 and the associated text, wherein it is clearly

shown that the data to be transmitted by the satellite 104 can be *readily* transmitted through a regular network 122 (the Internet). This network is already connected to both the uplink antenna 120 and the reception antenna 124. Thus, contrary to the Examiner's assertions, the data stream in Gagnon is *not* a digital television signal.

Further, it is respectfully submitted that the Office Action misinterprets the "web page" in Fig. 5 of Gagnon (which happens to contain links to downloadable video clips), as the Preview Program of the claimed invention. Gagnon states that Fig. 5 illustrates an example of a Best-of-*Web data service* page. This has nothing to do with a Preview Program and a Main Program in a *digital television system* of the claimed invention. Furthermore, the instant Office Action (page 3, lines 7-8) admits that Gagnon discloses a GUI (Graphic User Interface) *for a PC*, which makes it unrelated to the system as claimed.

Regarding **Claims 2, 3, and 4**, it is respectfully submitted that contrary to the Examiner's assertions, Gagnon does *not* disclose a Transport Stream (TS) demultiplexer. As well known in the art, and as described in, *e.g.*, col. 25, line 65—col. 26, line 30 of Gagnon, for a PC-based system, demultiplexing is performed within the PC's computing unit, and is controlled by a general-purpose PC processor through software. A TS demultiplexer is *not* used in the PC-based system of Gagnon, nor is it mentioned anywhere in Gagnon.

Regarding **Claim 5**, it is respectfully submitted that the Office Action confuses the *PC architecture* in Gagnon (*see, e.g.*, Fig. 23; col. 26, line 66—col. 27, line 3) with the system manager of the claimed invention. This is respectfully traversed. As well known in the art, a PC includes a general-purposes processor. Through the PC architecture and software designed for the PC, although the PC may be capable of performing many functions including playing a video, by no means the PC architecture can be equated to the system manager of a digital television-based system. By way of analogy, although a PC may simulate flight of an airplane, the PC cannot anticipate the actual airplane.

Regarding **Claims 6-8**, it is respectfully submitted that as admitted by the Office Action, Gagnon discloses a video mpeg *driver*, which as well known in the art is different from a *decoder* of a digital television system. A device driver, as known to a person of ordinary skill in the art, comprises computer software. Although Fig. 23 of Gagnon (relied upon by the Examiner) is a system architecture block diagram that blends software and hardware (*see, also*, col. 27, lines 1-2 and lines 12-13), the MPEG driver 506 of Gagnon is *PC-software-based*, which clearly is *not* a decoder of a digital television system as alleged by the Examiner. Further, the MPEG driver of Gagnon receives and processes PC data, not digital television signals.

As per **Claims 13-22**, the Office Action has again incorrectly interpreted a PC-based video MPEG driver 506 in Gagnon as means for processing MPEG-2 digital television signals as claimed. The television-based system of the invention does *not* need a MPEG driver as disclosed

by Gagnon. As described in the Background of the present application, MPEG is a standard format for digital television broadcasting. A PC-based system like that of Gagnon, on the other hand, requires different software drivers for different functions.

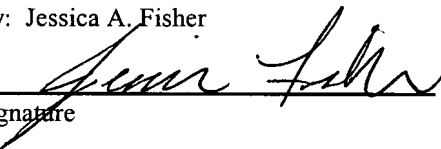
In addition, Applicant respectfully submits that in rejecting the claims, the Office Action appears to randomly pick and choose isolated features such as “MPEG,” “video,” “digital,” out of context in Gagnon, to arrive at the claimed invention. This ignores the teachings of Gagnon, *i.e.*, a PC-based system that is completely different from a digital television-based system. For example, when reading the key word “MPEG,” the Office Action ignores the fact the PC-based system of Gagnon always requires a MPEG *driver*, which is PC-software based, in order to be able to process MPEG-formatted video signals. In addition, the system of Gagnon being capable of processing “videos” in “digital” form, does not make the PC-based system of Gagnon equivalent to the digital television system of the claimed invention. Rather, the system of Gagnon has to use a general-purpose computer processor architecture, together with many different software packages and drivers.

In view of the above, Gagnon fails to disclose the claimed invention as recited in independent claims 1, 13, 16, and 19 of the present application. Thus, independent claims 1, 13, 16, and 19 are patentable over Gagnon for at least the reasons set forth above. Dependent claims 2-12, 14-15, 17-18, and 20-24 are allowable for at least the same reasons. Accordingly, withdrawal of the rejections is respectfully requested.

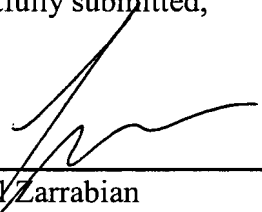
CONCLUSION

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

Please direct all correspondence to **Myers Dawes Andras & Sherman LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

<p align="center"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April <u>3</u>, 2007.</p> <p>By: Jessica A. Fisher</p> <p> Signature</p>

Respectfully submitted,



Michael Zarrabian (Date)
Registration No. 39,886
Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612
(949) 223-9600
(949) 223-9610 – Fax
USPTO Customer No.: 23386

April 3, 2007